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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/706,406	11/03/2000	James P. Tagg	TAG P-3	7866
7590	09/29/2008		EXAMINER	
STEPHEN M. CHIN REED SMITH LLP 599 LEXINGTON AVENUE 29th FLOOR NEW YORK, NY 10022			BLAIR, DOUGLAS B	
			ART UNIT	PAPER NUMBER
			2142	
			MAIL DATE	DELIVERY MODE
			09/29/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/706,406	TAGG, JAMES P.	
	<b>Examiner</b>	<b>Art Unit</b>	
	DOUGLAS B. BLAIR	2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 17 June 2008.

2a) This action is **FINAL**.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 21-45 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 21-45 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election without traverse of claims 21-45 in the reply filed on 6/17/2008 is acknowledged.

Claims 46 and 47 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to nonelected inventions, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 6/17/2008.

### ***Response to Arguments***

Applicant's arguments with respect to claims 21-45 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Objections***

Claim 21 is objected to because of the following informalities: it features a limitation of "locating the target network though the host system". "Though" should be "Through". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 22, 27, 31, 39, and 41 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 22 recites the limitation "the comparing step". There is insufficient antecedent basis for this limitation in the claim.

Claim 27 states that the host system is a virtual private network. It is unclear how a device such as the host system can be a conceptual entity such as a VPN.

Claim 31 recites the limitation "the secure link". There is insufficient antecedent basis for this limitation in the claim.

Claim 39 recites the limitation "the client configuration". There is insufficient antecedent basis for this limitation in the claim.

Claim 41 recites the limitation "the establishing step". There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 21-45 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Number 6,542,740 to Olgaard et al.

As to claim 21, Olgaard teaches a method of connecting a client system to a target network comprising the steps of: providing software to the client system that will allow the client system to connect to the target network (col. 4, lines 53-67); connecting the client system to the target network via a host system controlled by the software provided in the client system, wherein the step of connecting the client system to the target network comprises the steps of: locating the target network through the host system (col. 10, lines 20-38), the wireless link; determining requirements for connecting the client system to the target network based on the requirements (col. 10, lines 20-38); wherein the requirements of the host system are not essential for connecting the client system to the target network (col. 10, lines 20-38).

As to claim 22, Olgaard teaches the use of a server (col. 10, lines 20-38).

As to claims 23-25, Olgaard teaches the use of various networks (col. 10, lines 20-38).

As to claim 26, Olgaard teaches the client being a mobile phone.

As to claim 27, Olgaard teaches the use of VPN through the host system (col. 10, lines 1-12).

As to claim 28, Olgaard teaches the host and the client system being members of a service giving reciprocal roaming rights (col. 4, lines 53-67).

As to claim 29, Olgaard teaches the a determination comprising determining a cost of obtaining a link, comparing the cost with a predetermined limit stored by the client system where a match will be found if the cost is less than or equal to the predetermined limit (col. 10, lines 20-38).

As to claim 30, Olgaard teaches the host system making the connection to the target upon request (col. 10, lines 20-38).

As to claim 31, Olgaard teaches transmitting data through the host system comprising time divided data (col. 10, lines 20-38).

As to claim 33, Olgaard teaches roaming as claimed in claim 33 (col. 10, lines 20-38).

As to claim 34, Olgaard teaches the ability to accept or reject a connection (col. 10, lines 20-38).

As to claim 35, Olgaard teaches the method as claimed in claim 21 wherein any data sent by the client system is encrypted prior to being sent to the network such that the privacy and security of the client are maintained (col. 21, lines 4-37).

As to claim 36, Olgaard teaches the method as claimed in claim 35 wherein the encryption can be selectively applied to the data depending on preferences (col. 21, lines 4-37).

As to claim 37, Olgaard teaches the method as claimed in claim 21 wherein the connecting step comprises the step of causing the host system to mimic air interference for a cordless telephone link (col. 10, lines 20-38).

As to claim 38, Olgaard teaches the method as claimed in claim 37, further comprising the step of converting a data stream into data packets for transmission over the Internet under the control of the host system (col. 10, lines 20-38).

As to claim 39, Olgaard teaches the method as claimed in claim 21 wherein the client configuration is performed automatically by the host system when the host system is first powered on (col. 9, lines 28-55).

As to claim 40, Olgaard teaches the method as claimed in claim 21 wherein the connecting step comprises using a wireless connection technology (col. 10, lines 20-38).

As to claim 41, Olgaard teaches the method as claimed in claim 21 wherein the establishing step occurs automatically once the match is made (col. 10, lines 20-38).

As to claim 42, Olgaard teaches the method as claimed in claim 38 wherein the packets are VoIP (col. 10, lines 1-12).

As to claim 43, Olgaard teaches the method as claimed in claim 38 wherein the packets are sent over any available port in order to pass through a firewall (col. 10, lines 20-38).

As to claim 44, Olgaard teaches the method as claimed in claim 33 wherein the client system connects to and disconnects from the host system and second host system under the control of said matching means (col. 10, lines 20-38).

As to claim 45, Olgaard teaches the method of claim 40 wherein the connecting step comprises the step of coordinating the different frequencies used by the client system in connecting to the host system (col. 10, lines 20-38).

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DOUGLAS B. BLAIR whose telephone number is (571)272-3893. The examiner can normally be reached on 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Andrew Caldwell/  
Supervisory Patent Examiner, Art Unit  
2142

DBB